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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/736,631

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Charles M. Link II

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EXAMINER

WOO, STELLA L

ART UNIT

PAPER NUMBER

2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/736,631

Applicant(s)

LINK ET AL.

Examiner

Stella L. Woo

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16, 20, 22-25, 27, 29, 30, 34, 36-39, 41 and 43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 20, 22-25, 27, 29-30, 34, 36-39, 41, 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 24 and 41 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claims, or amend the claims to place the claim(s) in proper dependent form, or rewrite the claims in independent form. Claims 24 and 41 depend from canceled claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16, 20, 22-25, 27, 29-30, 34, 36-39, 41, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bossemeyer, Jr. et al. (US 6,490,444, hereinafter "Bossemeyer") in view of Henderson (US 6,724,867), and further in view of Emerson, III (US 6,928,070 B2).

Regarding claims 16, 20, 22-25, 27, 29-30, 34, 36-39, 41, 43, Bossemeyer discloses a system for notifying a computing device (subscriber terminal 60 can be a personal computer; col. 5, line 66 - col. 6, line 4) of an incoming message (data message), the system comprising:

a computing device (subscriber terminal 60 can be a personal computer; col. 5, line 66 - col. 6, line 4);

a message server (data message platform 40 coupled to a data network 200; Fig. 2; Fig. 3, step 100) for receiving the incoming message (data message is received at the data message platform; Fig. 6, step 100);

a public communications system (telecommunications network 60 coupled to data message platform 40), the message server for securely communicating to the communications system that the incoming message awaits retrieval by the computing device (message waiting signal is transmitted to the telecommunications network; Fig. 6, step 104); and

a communications line (telephone line connecting telecommunications network node 250 with subscriber terminal 80), the communications system for signaling the computing device over the communications line that the incoming message awaits retrieval by such computing device (message waiting indication is transmitted to the subscriber terminal; Fig. 6, step 108),

wherein the incoming message includes a destination address (subscriber's email address; col. 3, lines 60-61), and wherein the communications line is identified by an identifier (telephone number of the subscriber; col. 3, lines 59-60), the system further comprising a database (subscriber database 230 is indexed by message address so that the subscriber's telephone number is retrieved so that a message waiting

indication can be transmitted to the subscriber via the telephone line; col. 4, lines 17-46).

Bossemeyer differs from the claims in that although it teaches the use of a stutter-dial-tone for indicating a waiting email message (col. 3, lines 17-25), it does not specify the computer periodically and automatically causing the communications line to be off-hook and, in response to the recognizable dial tone, automatically querying the message server for the incoming message. However, Henderson teaches the well known use of a CPE device (which can be a computer; col. 4, line 56) which periodically and automatically causes the telephone line to be off-hook (step 204 in Figure 2) and, in response to a stutter dial tone (step 206), automatically establishes communication (step 207) with the message center to retrieve the waiting message (col. 7, lines 8-42), the message can be an email message (col. 7, lines 46-47). It would have been obvious to an artisan of ordinary skill at the time of invention to incorporate such periodic and automatic checking for a stutter dial tone, as taught by Henderson, within the system of Bossemeyer in order to automate the message checking step when a stutter dial tone indication is used.

Bossemeyer further differs from the claims in that it does not specify communicating an encrypted SS7 message, wherein the encryption method is based on a security code corresponding to the communications line. However, Emerson teaches the need to encrypt SS7 messages when integrating the Internet with PSTN, the encryption being based on a secret key assigned to the

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telephone call (col. 10, lines 15-47) such that it would have been obvious to an artisan of ordinary skill to incorporate such encryption of messages between the PSTN and Internet, as taught by Emerson, within the system of Bossemeyer in order to prevent unauthorized access to the POTS signaling network.

Regarding claims 20, 23, 25, 27, 34, 37, 39, 41, in Bossemeyer, the communication system involves a telecommunications network 60 with a telephone line to subscriber terminal 80 (see Figure 2), the line identifier is a telephone number associated with the email address (see Fig. 6, step 140) and a message is transmitted to the telephone line indicating that a message is waiting for that particular subscriber (col. 4, lines 25-38).

Regarding claims 22, 36, data message platform 40 can be coupled to the telecommunications network 60 via a service control point (col. 2, lines 42-53).

Regarding claims 24, 29, 38, 43, in Bossemeyer, data message platform 40 is an email server connected to data network 200 (col. 2, lines 65-66).

Response to Arguments

4. Applicant's arguments with respect to claims 16, 18, 20, 22-25, 27, 29-30, 34, 36-39, 41, 43 have been considered but are moot in view of the new grounds of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goldman et al. (US 6,963,556 B1) teaches the need to include a means of security to protect the integrity of the POTS signaling subnetwork (col. 10, lines 13-18).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stella L. Woo
Primary Examiner
Art Unit 2614